



City of El Paso – City Plan Commission Staff Report **(REVISED)**

Case No: PZCR13-00006
Application Type: Zoning Condition Release
CPC Hearing Date: August 22, 2013
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: South of Mesa Street and East of Confetti Drive
Legal Description: All of Tracts 4H1D and 4H1E, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas
Acreage: 1.08
Rep District: 8
Zoning: Parcel 1: A-O/sc (Apartment/Office/special contract)
Parcel 2: C-2/sc (Commercial/special contract)
Parcel 3: C-1/sc (Commercial/special contract)
Existing Use: Vacant
Request: Release a condition by Special Contract Ordinance No. 4795, dated February 25, 1972
Proposed Use: Apartment Complex

Property Owner: Dareen Kenda Homes, LLC
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Morehead Middle School
South: C-2/sc (Commercial/special contract) / Self-storage facility and vacant
East: C-1/sc (Commercial/special contract) / Medical Office; A-O (Apartment/Office) / Dental Office
West: R-3 (Residential) / Morehead Middle School

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable)

NEAREST PARK: Galatzan Park (6,750 feet)

NEAREST SCHOOL: Morehead Middle School (45 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Upper Valley Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 7, 2013. The Planning Division received 3 letters in opposition of the condition release request, (see attachment #5 on page 12-15).

APPLICATION DESCRIPTION

The request is to release the condition in Special Contract Ordinance No. 4795 dated February 25, 1972 (see attachment 3) as described below:

Not more than eighteen apartment units per acre shall be permitted on the property.

The applicant is requesting the condition release on the subject property in order to allow for 24 apartment units, as permitted by the current zoning districts.

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the condition release request, as the request would permit development that is compatible and consistent with the surrounding area, and recommends the following condition:

Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.

The condition is based on the concerns with storm water drainage and erosion, existing slope, existing utility easements on the property, and the proposed driveway locations.

Plan El Paso- Future Land Use Map Designation

All applications for a condition release review shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the A-O (Apartment/Office) district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

The purpose of the C-2 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

City Development Department – Planning Division – Building Permits & Inspections

No objections.

City Development Department – Planning Division - Transportation

No objections.

Note:

All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Land Development

No objections.

EPWU

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

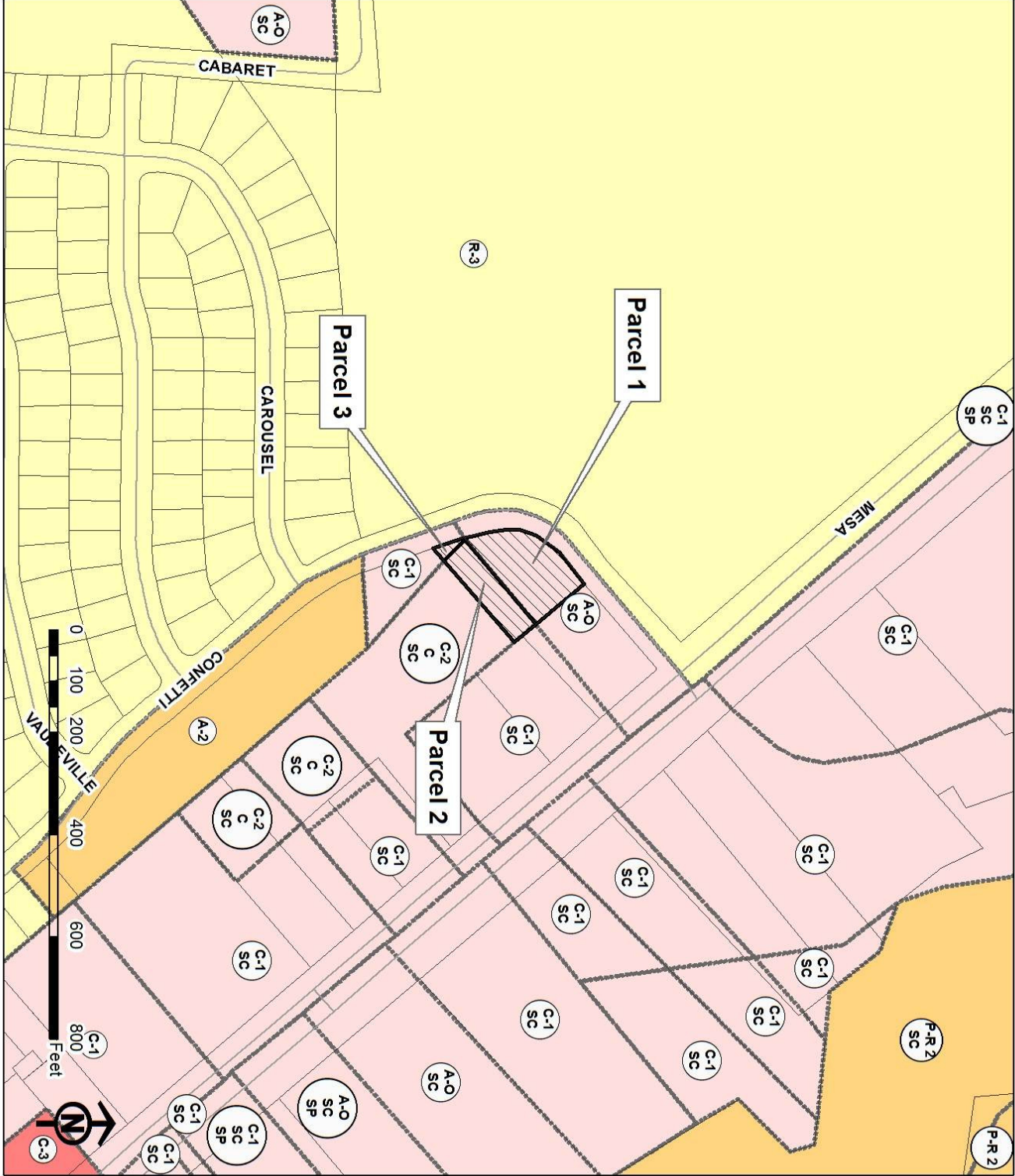
The City Plan Commission may consider the following options and additional options that it identifies when reviewing a condition release request application:

1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Location Map
2. Aerial Map
3. Conceptual Site Plan
4. Special Contract Ordinance No.4795 dated February 25, 1972
5. Opposition Letters

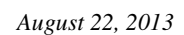
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4795

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACT 4F AND ALL OF TRACTS
4E1 AND 4H1, A. F. MILLER SURVEY 215, THE
PENALTY BEING AS PROVIDED IN SECTION 25-
10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following described portion of Tract 4F and
all of Tracts 4E1 and 4H1, A. F. Miller Survey 215, El Paso County, Texas,
be changed to A-O within the meaning of the Zoning Ordinance, and the zon-
ing map of the City be revised accordingly:

Parcel 1

A portion of Tract 4F, A. F. Miller Survey 215, El Paso County,
Texas, more particularly described by metes and bounds as follows:

Beginning at a point located North 43° 54' West along the easterly
line of Fiesta Hills Addition, a distance of 869.00 feet from the most east-
erly corner of Lot 1, Block 10, Fiesta Hills Addition;

Thence North 46° 06' East a distance of 400.00 feet;

Thence South 82° 46.03' West along the southerly line of Tract 4H1
a distance of 500.28 feet;

Thence South 43° 54' East along the easterly line of Fiesta Hills,
Unit Two, a distance of 298.09 feet to the point of beginning and containing
1.369 acres of land, more or less.

Parcel 2

All of Tracts 4E1 and 4H1, A. F. Miller Survey 215, El Paso County,
Texas, more particularly described by metes and bounds as follows:

Beginning at a point said point being the intersection of the south-
easterly right of way line of Confetti Drive with the southwesterly right of
way line of Mesa Avenue (U. S. Highway 80);

Thence South 43° 54' 00" East along the southwesterly right of way
line of Mesa Avenue a distance of 704.15 feet to a point in the northerly line
of Tract 4F;

Thence South 82° 46' 00" West along the northerly line of Tract 4F
and along the northerly line of Fiesta Hills Unit Two a distance of 654.64
feet to a point in the easterly right of way line of Confetti Drive;

Thence North 22° 42' 36" West along the easterly right of way line
of Confetti Drive a distance of 246.60 feet;

4795

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:


That the Mayor be authorized to sign a contract with Mesa Vista, Inc., a corporation, et al., placing certain restrictions on property rezoned by Ordinance No. 4795.

ADOPTED this 2 day of March, 1972.



Mayor

ATTEST:



City Clerk

ENT
MAR 6 1972
OF PLANNING

CONTRACT

This contract, made this 25th day of February, 1972, by and between Mesa Vista, Inc., a corporation, and E. Peinado Development Co., a corporation, First Parties; Charles H. Leavell, H. D. Fulwiler ~~and H. D. Fulwiler~~ (not joined by their wives because the hereinafter described property has never been part of their homestead), and Times Enterprises, Inc., a corporation, Second Parties; and the City of El Paso, Third Party, witnesseth:

First Parties have applied to the City of El Paso for rezoning of a portion of Tract 4F and all of Tracts 4E1 and ~~4H1~~^{4F1}, A. F. Miller Survey 215 in the City of El Paso, El Paso County, Texas, which property is more particularly described in Ordinance No. 4795, now pending before the City Council of the City of El Paso, a copy of which is marked Exhibit "A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, not more than eighteen apartment units per acre shall be permitted on the property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any further conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby. Second Parties, the holders of recorded liens on Tracts 4E1 and ~~4H1~~^{4F1}, consent to the placing of the above restriction on the property.

Witness the following signatures and seals:

MESA VISTA, INC., a corporation

by [Signature]
President

ATTEST:

[Signature]
Secretary

E. PEINADO DEVELOPMENT CO., a corporation

by [Signature]
President

ATTEST:

[Signature]
Secretary

[Signature]
Charles H. Leavell

[Signature]
H. D. Fulwiler

TIMES ENTERPRISES, INC., a corporation

by [Signature]
President

ATTEST:

[Signature]
Asst. Secretary

THE CITY OF EL PASO

by
Mayor

ATTEST:

City Clerk

Salloum, Andrew M.

From: Rubio, Arturo
Sent: Wednesday, August 21, 2013 2:20 PM
To: Salloum, Andrew M.
Subject: FW: Apartment variance for 24 units vs 18 units zoned on Confetti St. next to Armour Self Storage at 5525 N Mesa.

Follow Up Flag: Follow up
Flag Status: Flagged

Andy,

Please add this opposition letter to the CPC and Council back up.

Thanks

Art Rubio, Senior Planner
City Development | City of El Paso
222 S. Campbell Street
El Paso, TX 79901
O: 915.541.4633



Click on the links for more information about City Development:



From: John Cooper [<mailto:John@coopercompanies.net>]
Sent: Wednesday, August 21, 2013 1:57 PM
To: Rubio, Arturo
Cc: Reg Cooper
Subject: Apartment variance for 24 units vs 18 units zoned on Confetti St. next to Armour Self Storage at 5525 N Mesa.

Dear Mr. Rubio,

I object to increasing the density of this development.

24 apartments will put an extreme load on the private sewer vs just 18 units. We can probably get an actual number of fixtures on the current existing users And I suspect this will double the load. Will they agree to a repair cost when it backs up based upon fixtures rather than they are one of six properties using it?

If they try cutting the existing dirt so the slope of the driveway is less severe they will have to rework the sewer and get everyone's permission.

I don't see any setback from what is referred to as a rock wall that is proposed along my common property line. I believe it is a health risk unless it is 6' high as the land slopes so severely. Some could fall over a smaller wall.

There will have to be a massive retaining wall on Confetti that I don't think is shown on the plans

Do you have a copy of the topo and the FF elevations of the buildings. I am very familiar with the site and it has not only the drop off at confetti but an optical illusion that the slope is not as severe as I believe as Topo would show.

John Cooper

P: 480 696 7664

F: 480 696 7664

15881 North 80th St
Suite 100
Scottsdale, AZ 85260

Salloum, Andrew M.

From: humberto garcia <hummerg55@gmail.com>
Sent: Wednesday, August 21, 2013 4:31 PM
To: Rubio, Arturo
Cc: Salloum, Andrew M.
Subject: case # PZCR13-00006

Art Rubio / Andrew Salloum

Gentlemen I am very concern about the proposed apartment complex and I voice my objection.

Thank you

H Garcia

Salloum, Andrew M.

From: Lucy Garcia <garcialucy050@gmail.com>
Sent: Wednesday, August 21, 2013 4:47 PM
To: Rubio, Arturo
Cc: Salloum, Andrew M.
Subject: hering case # PZCR13-00006

Andrew Salloum
Art Rubio

You will be hearing the arguments about this apartment tommorrow and I want to let you know that I strongly object to it. Have you done a TIA (Traffic Impact Analysis)?? Have you taken into account HEALTH, SAFETY, and WELFARE of the public??

Thank you

L. A. G.